FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1391 OF 2000

1. Raju Rukka Shetty)
   Age : Adult, Occ. Service)

2. Mrs.Shakuntala Raju Shetty)
   Age : Adult, Occ. Household)
   Both R/o Flat No.303, 3rd floor)
   Ramyan, Anand Vihar Housing)
   Society, Khar(West),Bombay-400 052)..Petitioners

V/s.

The State of Maharashtra)..Respondents.

Mr.K.S.Patil for the petitioners.

Mr.J.C.Satpute for CBI.

Mr.K.V.Saste APP for the State.

Coram : R.S.Mohite,J

Date : 8.6.2006.

Judgment :-

1. By this petition the petitioners impugned the order dated 10.8.2000 passed by the learned Special Judge, Gr. Bombay in Misc. Application No.466/99 @ Special Case No.28/88 in R.c.No.83/86. By the said application the 2 petitioners have sought discharge in a case under Section 120-B of IPC read with 5(1)(d) r/w 5(2) of Prevention of Corruption Act, 1947. In the discharge application reliance was placed upon the judgment of the Apex Court in the case of **Raj Deo Sharma V/s. State of Bihar** decided on 22.9.1999. It was contended

that the period of 2 years have been completed from the date of recording the plea of the accused on the charges framed and the prosecution has not examined any witness. The Sessions Court after going through the roznama, dismissed the application holding that there was no inordinate delay on the part of the State and that it was in the interest of justice, State ought to be given fair opportunity to lead evidence against the accused. It is now well known that the judgment relied upon for the purpose of obtaining discharge is no longer subsists. It was then sought to be contended that long delay of trial violated Article-21. I am not impressed by this argument. Stay was obtained in the year 2000. Subsequently, petition was dismissed for default and was restored with a partial stay. The trial Court has given cogent reasons as to why State cannot be blamed for the delay of the trial. In the circumstances, there is no substance in the petition. Petition is therefore, dismissed. Rule stands discharged.

(R.S.Mohite,J)